IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3030 of 2005

Between:

P. Nanda Kumar, S/o. P. V. Subbaiah,
R/o. Railway Quarter No.102/B, Gudur, Nellore District.

..... PETITIONER

AND

1 The Chief Security Commissioner, S.C. Railway,
Railnilayam , Secunderabad.
2 Senior Divisional Security Commissioner, S.C. Railway, Vijayawada.
3 Asst. Security Commissioner, RPF, Vijayawada, Vijayawada Division,
Krishna District.
4 G. Madhusudhan Rao, I.P.F./Tenali, S.C. Railway, Enquiry Officer,
Vijayawada Divn., Tenali, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd Respondent in issuing the Major Penalty Charge Sheet vide Proceedings No. B/XP.227/153/2005/05, dt. 08-2-2005 duly appointing the 4th respondent as Enquiry Officer is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently quash the proceedings No. B/XP.227/153/2005, dt. 8-2-2005 of the 3rd respondent.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondents 1 to 3: MR. ALLURI KRISHNAM RAJU

Counsel for the Respondent No.4: Mr. G.S.SANGHI

The Court made the following :

ORDER:

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Heard both sides and at their request, the main Writ Petition itself is taken up for disposal.

The main grievance of the petitioner by filing this Writ Petition seeking a Writ of Mandamus is against the very charge sheet dated 08.02.2005 issued by the third respondent. Whereas in the counter affidavit filed by the respondents herein, it is stated that the administration had withdrawn the said charge sheet as per order dated 05.03.2005 by the second respondent and the same was served on the petitioner on the same day. In view of the same, the Writ Petition has become infructuous.

The Writ Petition is, accordingly, dismissed as infructuous. No costs.

(B.Prakash Rao, J.)

08.04.2005

DRK

Copy to:

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5 Two CD copies.